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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

NICHOLAS J. OJEDA,

Defendant and Appellant.

E072414

(Super.Ct.No. FVI1102929)

OPINION

APPEAL from the Superior Court of San Bernardino County. Miriam Ivy
Morton, Judge. Affirmed.

Jill Kent, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

A. PROCEDURAL HISTORY

On December 29, 2011, a complaint charged defendant and appellant Nicholas J. Ojeda with two counts of oral copulation on a child under the age of 10 years old under Penal Code section 288.7, subdivision (b) (counts 1, 3), and one count of continuous

sexual abuse of a child younger than 14 years of age under Penal Code section 288.5, subdivision (a) (count 2). On May 8, 2017, defendant pled not guilty to all three counts.

On February 14, 2019, the prosecution amended the complaint to include count 4, lewd and lascivious conduct on a child younger than 14 years old under Penal Code section 288, subdivision (a). Pursuant to a plea agreement, defendant pled no contest to count 4, in exchange for a dismissal of counts 1, 2, and 3. The parties also stipulated to a three-year sentence.

On March 11, 2019, the trial court sentenced defendant to the lower term of three years in state prison per the plea agreement. The court imposed fines and fees and awarded defendant credit for presentence custody and conduct.

On March 26, 2019, defendant filed a timely notice of appeal “based on the sentence or other matters that occurred after the plea and do not affect its validity.”

B. FACTUAL HISTORY

The parties stipulated that the factual basis of the plea was the complaint and police reports. Between 2007 and 2009, defendant orally copulated two children, and touched one of the children on her genitals.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court

to undertake a review of the entire record. Pursuant to *Anders*, counsel identified the following issues to assist the court in its search of the record for error:

1. Did prosecution for the offense fall within the statute of limitations?
2. Were fines and fees properly imposed in light of *People v. Dueñas* (2019) 30 Cal.App.5th 1157?

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error, considered the issues listed by appellate counsel, and find no arguable issue for reversal on appeal.

DISPOSITION

The judgment is affirmed.

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MILLER

Acting P. J.

We concur:

CODRINGTON

J.

SLOUGH

J.